

1 PHILLIP A. TALBERT
2 United States Attorney
2 MATHEW W. PILE, WSBA 32245
Associate General Counsel
3 Office of Program Litigation, Office 7
ELIZABETH LANDGRAF, CSBN 313184
4 Special Assistant United States Attorney
Social Security Administration
5 160 Spear Street, Suite 800
San Francisco, CA 94105
6 Telephone: (510) 970-4828
Facsimile: (415) 744-0134
7 Elizabeth.Landgraf@ssa.gov
Attorneys for Defendant

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION

14 ANGELICA M. AVILA,
15 Plaintiff,
16 v.
17 KILOLO KIJAKAZI,
18 Acting Commissioner of Social Security,
19 Defendant.

No. 1:21-cv-01283-JLT-BAM

STIPULATION AND PROPOSED ORDER FOR
SECOND EXTENSION OF TIME TO FILE
DEFENDANT'S RESPONSE TO PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT

22 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social
23 Security (the "Commissioner"), shall have a second extension of 30 days to respond to Plaintiff's
24 Motion for Summary Judgment ("Motion") (Docket Number 23), extending the date on which
25 Defendant's response is due from November 3, 2022 to December 3, 2022.

26 Defendant needs more time to respond to Plaintiff's Motion because the undersigned
27 attorney for Defendant currently has ten briefs due during the remainder of November, including
28 Defendant's Opposition to Plaintiff's Motion in this case, in addition to two briefs that she

1 already filed during the first week of November (one on October 31 and the other on November
2 1). In addition, the undersigned attorney for Defendant has unexpectedly needed to take time off
3 work over the last two weeks due to COVID-related closures at her daughter's preschool.
4 Accordingly, the Commissioner respectfully requests an extension of 30 days, until December 3,
5 2022, to respond to Plaintiff's Motion. Defendant sincerely apologizes to Plaintiff, opposing
6 counsel, and the Court for any inconvenience.

7 This request is made in good faith and is not intended to delay the proceedings in this
8 matter.

9 Respectfully submitted,

10 DATE: November 1, 2022

/s/ Jonathan Omar Pena
JONATHAN OMAR PENA
Attorney for Plaintiff
(as approved via email)

13 PHILLIP A. TALBERT
14 United States Attorney
15 MATHEW W. PILE
Associate General Counsel
Social Security Administration

16 DATE: November 1, 2022

By */s/ Elizabeth Landgraf*
ELIZABETH LANDGRAF
Special Assistant United States Attorney
Attorneys for Defendant

19 **ORDER**

20 Pursuant to the parties' stipulation, and for cause appearing, IT IS SO ORDERED that
21 Defendant shall have an extension, up to and including December 3, 2022, to respond to
22 Plaintiff's Motion for Summary Judgment.
23 IT IS SO ORDERED.

24 Dated: November 2, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE